

EXHIBIT 3

[PROPOSED] ANSWER TO COMPLAINT

EXHIBIT 3

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*Attorneys for Proposed Intervenor-Defendants
Vet Voice Foundation and Nevada Alliance for Retired Americans*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

REPUBLICAN NATIONAL COMMITTEE;
NEVADA REPUBLICAN PARTY; DONALD
J. TRUMP FOR PRESIDENT 2024, INC.; and
DONALD J. SZYMANSKI,

Plaintiffs,

v.

CARI-ANN BURGESS, *in her official
capacity as the Washoe County Registrar of
Voters*; JAN GALASSINI, *in her official
capacity as the Washoe County Clerk*;
LORENA PORTILLO, *in her official capacity
as the Clark County Registrar of Voters*;
LYNN MARIE GOYA, *in her official capacity
as the Clark County Clerk*; FRANCISCO
AGUILAR, *in his official capacity as Nevada
Secretary of State*,

Defendants.

Case No. 3:24-cv-00198-MMD-CLB

**[PROPOSED] ANSWER TO
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

1 Proposed Intervenor-Defendants Vet Voice Foundation (“Vet Voice”) and Nevada
 2 Alliance for Retired Americans (the “Alliance”) (collectively, “Proposed Intervenor”), by and
 3 through their attorneys, submit the following proposed Answer to Plaintiffs’ Complaint for
 4 Declaratory and Injunctive Relief (“Complaint”). Proposed Intervenor respond to the allegations
 5 in the Complaint as follows:

6 **INTRODUCTION**

7 1. Paragraph 1 contains legal contentions, characterizations, conclusions, and
 8 opinions to which no response is required.

9 2. Paragraph 2 contains legal contentions, characterizations, conclusions, and
 10 opinions to which no response is required.

11 3. Denied.

12 4. Denied.

13 5. Denied.

14 6. Paragraph 6 contains legal contentions, characterizations, conclusions, and
 15 opinions to which no response is required. Proposed Intervenor lack knowledge and information
 16 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6 and therefore
 17 deny them.

18 **JURISDICTION AND VENUE**

19 7. Paragraph 7 contains legal contentions, characterizations, conclusions, and
 20 opinions to which no response is required.

21 8. Paragraph 8 contains legal contentions, characterizations, conclusions, and
 22 opinions to which no response is required. Proposed Intervenor lack knowledge and information
 23 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8 and therefore
 24 deny them.

25 **PARTIES**

26 9. Proposed Intervenor lack knowledge and information sufficient to form a belief as
 27 to the truth of the allegations in Paragraph 9 and therefore deny them.

28 10. Proposed Intervenor lack knowledge and information sufficient to form a belief as

1 to the truth of the allegations in Paragraph 10 and therefore deny them.

2 11. Proposed Intervenors lack knowledge and information sufficient to form a belief as
3 to the truth of the allegations in Paragraph 11 and therefore deny them.

4 12. Proposed Intervenors lack knowledge and information sufficient to form a belief as
5 to the truth of the allegations in Paragraph 12 and therefore deny them.

6 13. Proposed Intervenors lack knowledge and information sufficient to form a belief as
7 to the truth of the allegations in Paragraph 13 and therefore deny them.

8 14. Proposed Intervenors lack knowledge and information sufficient to form a belief as
9 to the truth of the allegations in Paragraph 14 and therefore deny them.

10 15. Proposed Intervenors lack knowledge and information sufficient to form a belief as
11 to the truth of the allegations in Paragraph 15 and therefore deny them.

12 16. Proposed Intervenors lack knowledge and information sufficient to form a belief as
13 to the truth of the allegations in Paragraph 16 and therefore deny them.

14 17. Proposed Intervenors lack knowledge and information sufficient to form a belief as
15 to the truth of the allegations in Paragraph 17 and therefore deny them.

16 18. Proposed Intervenors lack knowledge and information sufficient to form a belief as
17 to the truth of the allegations in Paragraph 18 and therefore deny them.

18 19. Proposed Intervenors lack knowledge and information sufficient to form a belief as
19 to the truth of the allegations in Paragraph 19 and therefore deny them.

20 20. Proposed Intervenors lack knowledge and information sufficient to form a belief as
21 to the truth of the allegations in Paragraph 20 and therefore deny them.

22 21. Admitted.

23 22. Admitted.

24 23. Admitted.

25 24. Admitted.

26 25. Admitted.

ALLEGATIONS

26. Paragraph 26 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

27. Paragraph 27 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

28. Paragraph 28 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

29. Paragraph 29 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. Proposed Intervenor also note that Paragraph 29 slightly misstates the text of 2 U.S.C. § 1, which in relevant part reads: “At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 3d day of January next thereafter.” 2 U.S.C. § 1.

30. Paragraph 30 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

31. Paragraph 31 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

32. Paragraph 32 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

33. Paragraph 33 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

34. Proposed Intervenor deny the allegations in Paragraph 34 because the quoted text is a selective, inaccurate, and incomplete recitation of NRS 293.269921(1).

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Paragraph 40 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

41. Admitted.

42. Paragraph 42 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

43. Paragraph 43 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

44. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore deny them.

45. Paragraph 45 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

46. Denied.

47. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and therefore deny them.

48. Paragraph 48 contains legal contentions, characterizations, conclusions, and opinions to which no response is required. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 48 and therefore deny them.

49. The first sentence of Paragraph 49 is denied. Proposed Intervenors lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 49 and therefore deny them.

50. Paragraph 50 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

51. Paragraph 51 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

52. Paragraph 52 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

53. Paragraph 53 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

54. Paragraph 54 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

55. Paragraph 55 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

56. The first sentence of Paragraph 56 is denied. The MIT Election Lab article referenced in the complaint speaks for itself and accordingly no response is required.

57. Proposed Intervenor lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and therefore deny them.

58. Denied.

59. Denied.

60. Paragraph 60 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

61. Paragraph 61 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

COUNT I
Equitable Relief under *Ex Parte Young*
Violation of 3 U.S.C. § 1, 2 U.S.C. §§ 1, 7

62. Proposed Intervenor incorporate the responses to Paragraphs 1–61 as if set forth fully herein.

63. Admitted.

64. Admitted.

65. Denied.

66. Paragraph 66 contains legal contentions, characterizations, conclusions, and opinions to which no response is required.

67. Denied.

68. Paragraph 68 contains legal contentions, characterizations, conclusions, and

1 opinions to which no response is required.

2 69. Denied.

3 70. Paragraph 70 contains legal contentions, characterizations, conclusions, and
4 opinions to which no response is required.

5 71. Denied.

6 **COUNT II**

7 **Violation of the Right to Stand for Office (42 U.S.C. § 1983)**

8 72. Proposed Intervenor incorporate the responses to Paragraphs 1–71 as if set forth
9 fully herein.

10 73. Denied.

11 74. Denied.

12 75. Denied.

13 76. Denied.

14 **COUNT III**

15 **Violation of the Right to Vote (42 U.S.C. § 1983)**

16 77. Proposed Intervenor incorporate the responses to Paragraphs 1–76 as if set forth
17 fully herein.

18 78. Denied.

19 79. Paragraph 79 contains legal contentions, characterizations, conclusions, and
20 opinions to which no response is required.

21 80. Denied.

22 81. Denied.

23 82. Denied.

24 **GENERAL DENIAL**

25 Proposed Intervenor deny every allegation in the Complaint that is not expressly
26 admitted herein.

27 **AFFIRMATIVE DEFENSES**

28 Proposed Intervenor set forth their affirmative defenses without assuming the burden of
proving any fact, issue, or element of a cause of action where such burden properly belongs to

Plaintiffs. Moreover, nothing stated here is intended or shall be construed as an admission that any particular issue or subject matter is relevant to the allegations in the complaint. Proposed Intervenor reserve the right to amend or supplement their affirmative defenses as additional facts concerning defenses become known.

As separate and distinct affirmative defenses, Proposed Intervenor allege as follows:

1. Plaintiffs fail to state a claim on which relief can be granted.
2. This Court lacks subject matter jurisdiction.
3. Plaintiffs do not have Article III standing.
4. Plaintiffs lack a private right of action.
5. Plaintiffs' claims are equitably barred, including by laches.

PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenor ask this Court to enter judgment in their favor and provide the following relief:

- A. Deny that Plaintiffs are entitled to any relief;
- B. Dismiss Plaintiffs' complaint in its entirety, with prejudice; and
- C. Grant such other and further relief as the Court may deem just and

proper.

BRAVO SCHRAGER LLP

By: /s/ Bradley S. Schrager

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2024 a true and correct copy of Proposed Intervenor's Proposed Answer to Complaint for Declaratory and Injunctive Relief was served via the United States District Court's CM/ECF system on all parties or persons requiring notice.

By: /s/ Dannielle Fresquez
Dannielle Fresquez, an Employee of
BRAVO SCHRAGER LLP